

### REMARKS

Allowable claims 18 and 20 have been rewritten in independent form. Claims 1-17 and 21-29 are presented for reconsideration in the light of the following authorities, remarks and those set forth in our brief and prior response.

2. Claim 10 is objected to because of the informality said to be in line 2 of "the A-pillar." This objection is not understood. Does the Examiner suggest changing "the" to --an--?

3. Claims 21-26 stand rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 21-25 are said to be single means claims that do not enable one skilled in the art to make or use the invention, with specific reference to MPEP 2164.08(a). This ground of rejection is respectfully traversed. Both the initial office action and the final rejection fail to assert this ground of rejection for rejecting claims 21-26, and with good reason. It is manifest that the disclosure is sufficient to enable a person skilled in the art to examine the description, claims and drawing and know how to make and use a trim element for covering a vehicle pillar, the trim element forming an acoustic assembly, wherein the acoustic assembly is a waveguide or an acoustic volume and wherein the vehicle pillar is an A-pillar that comprises a plurality of sound sources that comprises a plurality of electroacoustical transducers. If this new ground of rejection is repeated, the Examiner is respectfully requested to set forth in detail why the Examiner believes that one skilled in the art would be unable to make or use the invention of these claims from reading these claims, the description and the drawing.

4. Claims 1, 5, 8, 10-12, 21, 23 and 24 stand rejected under 35 U.S.C. 102(e) as being clearly anticipated by Clauson. Regarding claims 1, 11 and 21, the reference is said to disclose an acoustic assembly comprising an electro-acoustical transducer 34, and an acoustic element 40, separate from the transducer, and structured to improve the acoustic performance of the transducer, wherein the assembly is an element of a vehicle pillar said to be 12. Regarding claims 5, 8 and 23, the reference is said to further disclose the acoustic assembly, wherein the acoustic assembly has a sealed acoustic volume said to be shown in FIG. 3. Regarding claims

10, 12 and 24, the reference is said to further disclose the acoustic assembly, wherein the vehicle pillar is an A-pillar, with specific reference to FIG. 1.

This ground of rejection is respectfully traversed. We rely on authorities set forth on pages 4 and 5 of our brief. Clauson does not disclose an acoustic element 40 separate from said transducer and structured to improve the acoustic performance of the transducer, wherein the assembly is an element of a vehicle pillar 12. The reference discloses at the top of column 3, "In FIG. 2, A-pillar trim assembly 24 is shown to include a main body or trim panel 40 which is an elongated body structure." The rejected claims call for the acoustic element designed and constructed to improve the acoustic performance of the electroacoustical transducer with the acoustic assembly designed and constructed to be an element of a vehicle pillar. The reference does not disclose the nonexistent acoustic element constructed to improve the acoustic performance of the electroacoustical transducer. The reference discloses, "Speaker assembly 42 is operable for sounding an alarm to alert vehicle occupants to one or more pre-determined conditions such as opening a vehicle door..." Col. 3, lines 37-39. The disclosure of the reference is that speaker 44 has little need for improvement of its acoustic performance. Accordingly, withdrawal of the rejection of claims 1, 5, 8, 10-12, 21, 23 and 24 as anticipated by the reference is respectfully requested. If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim the language in the reference regarded as corresponding to each element set forth in these rejected claims.

5. Claims 1-6, 11, 21 and 22 stand rejected as being clearly anticipated by Rocheleau. Regarding claims 1, 11 and 21, this reference is said to disclose an acoustic assembly for automobile comprising an electroacoustical transducer 46 and an acoustic element said to be 10, 16, separate from the transducer, and structured to improve the acoustic performance of the transducer, wherein the assembly is said to be an element of a vehicle pillar 10. Regarding claims 2, 3 and 22, this reference is said to further disclose the acoustic assembly, wherein the acoustic element is a two-ended waveguide said to be 12. Regarding claims 2 and 4, the reference is said to further disclose the acoustic assembly, wherein the acoustic element is a single ended waveguide said to be 36. Regarding claims 5 and 6, this reference is said to further disclose the acoustic assembly wherein the acoustic assembly has a ported acoustic volume, with specific reference to FIG. 2. This ground of rejection is respectfully traversed.

The reference does not disclose an assembly that is an element of a vehicle pillar. The reference entitled MOLDED BRACKET FOR MOUNTING A SPEAKER IN A VEHICLE discloses, "This invention relates generally to molded mounting brackets, and more specifically, to a molded mounting bracket for mounting a speaker on a pillar of a vehicle." Col. 1, lines 6-9. (Emphasis added.) The reference does not disclose an acoustic element (10, 16), separate from the transducer and structured to improve the acoustic performance of the transducer, wherein the assembly is an element of a vehicle pillar. The reference discloses "a corner pillar 10," col. 1, line 64, and "a molded speaker mounting bracket 16." Col. 2, lines 1-2. This reference does not disclose the acoustic element is a two-ended waveguide 12. The reference discloses that "the rear corner pillar of a minivan, for example, having slotted openings 12 formed in a contoured portion 14 thereof." Col. 1, lines 64-65. That is not disclosure of a waveguide. This reference does not disclose the acoustic element is a single ended waveguide 36. The reference discloses "internal flange portions 36." Col. 2, line 42. That is not the disclosure of a single ended waveguide.

The reference does not disclose the claimed acoustic assembly has a ported acoustic volume in FIG. 2. The reference discloses, "FIG. 2 is a fragmentary, cross-sectional view of a speaker mounting bracket mounted on a surface of the pillar of FIG. 1." Col. 1, lines 46-48. (Emphasis added.)

Accordingly, withdrawal of the rejection of claims 1-6, 11, 21 and 22 as anticipated by this reference is respectfully requested. If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim the language in the reference regarded as corresponding to each element in a rejected claim.

6. Claims 1-3, 5, 6 and 8 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by the 1933 patent to Atkinson. Regarding claim 1, this reference is said to disclose an acoustic assembly for automobile comprising an electroacoustical transducer 21, and an acoustic element 10 separate from the transducer, and structured to improve the acoustic performance of the transducer wherein the assembly is an element of a vehicle pillar, with specific reference to FIG. 1. Regarding claims 2 and 3, this reference is said to further disclose the acoustic assembly, wherein the acoustic element is a two-ended ended waveguide 15, 20. Regarding claims 5 and 6, the reference is said to further disclose the acoustic assembly, wherein

the acoustic assembly has a ported acoustic volume 15, 20. Regarding claims 5 and 8, the reference is said to further disclose the acoustic assembly wherein the acoustic assembly has a sealed acoustic volume sealed by 19 and 21. These grounds of rejection are respectfully traversed.

The reference discloses, "In carrying out my invention I propose to provide a baffle which can be disposed at an oblique angle with respect to the walls and ceiling of an automobile body to form a continuation thereof, behind which the speaker may be disposed." Page 1, lines 43-47. Apart from the absence of disclosure of a pillar, the relationship between baffle 10 shown in FIG. 1 and loudspeaker 21 shown in FIG. 3 is inappropriate. Loudspeaker 11 is shown mounted on baffle 10 in FIG. 1, and loudspeaker 21 is shown mounted on lining 19 in FIG. 3. There is no disclosure that the assembly is an element of a vehicle pillar. The reference discloses "vents 15" and "vents 20", page 1, lines 86, 102. That is not the disclosure of a two-ended ended waveguide.

Accordingly, withdrawal of the rejection of claims 1-3, 5, 6 and 8 as anticipated by Atkinson is respectfully requested. If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim the language in the reference regarded as corresponding to each element in a rejected claim.

7. Claims 7, 9 and 25-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Atkinson. Regarding claims 7, 9 and 25-29, this reference is said to not clearly show a second and/or third transducer as claimed. Since providing a second and/or third acoustic transducer in an acoustic volume is said to be well known in the art, and the acoustic volume is said to be taught by this reference, with specific reference to FIG. 3, that is said to have sufficient space to accommodate a second and/or third transducer, it therefore it is said would have been obvious to one skilled in the art at the time the invention was made to provide a second and/or a third, such as a second and/or a third small tweeter in the acoustic volume as an alternate choice, for improving the acoustic performance of the acoustic assembly. This ground of rejection is respectfully traversed.

Authority in our brief requires that in order to support a claim rejection under §103 on a single reference, that reference must suggest the desirability of modifying what is there disclosed to meet the terms of claims being rejected. We have shown above that the reference does not

disclose claimed elements, so adding another transducer to what is disclosed in this reference would not result in the invention disclosed and claimed in this application. Nor is there any language in the reference suggesting the desirability of modifying what is there disclosed to meet the terms of the rejected claims. Accordingly, withdrawal of the rejection of claims 7, 9 and 25-29 as unpatentable over the reference is respectfully requested. If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim the language in the reference regarded as corresponding to each element in these rejected claims and quote verbatim the language in the reference regarded as suggesting the desirability of modifying what is there disclosed to meet the terms of these rejected claims.

8. Claims 12-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rocheleau. Regarding claim 12, this reference is said to not clearly show that the pillar is an A-pillar as claimed, but the reference is said to clearly teach that the bracket is for mounting a speaker in a corner pillar of a vehicle, and the reference is said to not restrict that said corner pillar is only the rear corner pillar. Therefore, it is said it would have been obvious to one skilled in the art at the time the invention was made to provide the bracket for any suitable corner pillar, such as an A-pillar of a vehicle, especially a rather large vehicle, such as a bus as an alternate choice, in order to further utilize the mounting bracket and provide sound with less space taken in a vehicle. Regarding claims 13 and 14, the reference is said to further disclose the acoustic assembly, wherein the acoustic element 10 is a two-ended ended waveguide 12. Regarding claims 13 and 15, the reference is said to further disclose the acoustic assembly wherein the acoustic element 16 is said to be a single ended waveguide 36. Regarding claims 16 and 17, the reference is said to further disclose the acoustic assembly, wherein the acoustic assembly, wherein the acoustic assembly is said to have a ported acoustic volume, with specific reference to FIG. 2. This ground of rejection is respectfully traversed.

We have shown above that the reference is not "for mounting a speaker in a corner pillar of a vehicle," but "for mounting a speaker on a pillar of a vehicle." Col. 1, line 9. We have also shown above that this reference did not disclose an acoustic element 10 that is a two-ended ended waveguide 12 or the existence of an acoustic element 16 that is a single ended waveguide 36, nor that the acoustic assembly has a ported acoustic volume called for by the claims. Accordingly, withdrawal of the rejection of claims 12-17 is respectfully requested. If this ground

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of rejection is repeated, the Examiner is respectfully requested to quote verbatim the language in the reference regarded as corresponding to each element in these rejected claims, and quote verbatim the language in the reference regarded as suggesting the desirability of modifying what is there disclosed to meet the terms of rejected claims 12-17.

The allowability of claims 18-20 is noted. Claims 18 and 20 have been rewritten in independent form, and claim 19 depends upon rewritten claim 18.


In view of the foregoing amendments, remarks, authorities of record, and the inability of the prior art, alone or in combination, to anticipate, suggest or make obvious the subject matter as a whole of the invention disclosed and claimed in this application, all the claims are submitted to be in a condition for allowance, and notice thereof is respectfully requested. Should the Examiner believe this application is not in a condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at (617) 521-7014 to discuss what additional steps the Examiner believes are necessary to place the application in a condition for allowance.

Attached is a marked-up version of the changes being made by the current amendment.

Respectfully submitted,

FISH & RICHARDSON P.C.

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**Version with markings to show changes made**

In the claims:

Claims 18 and 20 have been amended as follows:

18. (Amended.) A structural automobile pillar containing [an] acoustic assembly [in accordance with claim 17]

said acoustic assembly including an acoustical driver and an acoustic element,

wherein said pillar is an A-pillar,

wherein said acoustic element is an acoustic volume,

wherein said acoustic volume is ported,

further comprising a second transducer.

20. (Twice Amended.) An acoustic assembly [in accordance with claim 10]  
comprising,

an electroacoustical transducer,

and an acoustic element, separate from said electroacoustical transducer, designed  
and constructed to improve the acoustic performance of said electroacoustical transducer,

said acoustic assembly designed and constructed to be an element of a vehicle  
pillar,

wherein said vehicle pillar is an A-pillar,

further comprising a second electroacoustical transducer.